

## HOUSE BILL NO. 24

INTRODUCED BY J. BALYEAT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LEGISLATORS TO SERVE WITHOUT SALARY DURING THE SPECIAL SESSION CONVENING AUGUST 5, 2002; PROVIDING THAT LEGISLATORS CONTINUE TO RECEIVE DAILY PER DIEM ALLOWANCE AND MILEAGE; PROVIDING THAT LEGISLATORS ARE ENTITLED TO SALARIES FOR PRESESSION BUSINESS; AMENDING SECTION 5-2-301, MCA; PROVIDING A VOIDNESS PROVISION IF A UNANIMOUS VOTE IS NOT RECEIVED FOR PASSAGE BY BOTH HOUSES OF THE LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 5-2-301, MCA, is amended to read:

**"5-2-301. Compensation and expenses for members while in session.** (1) (a) Legislators Except as provided in subsection (1)(b), legislators are entitled to a salary commensurate to that of the daily rate of an entry grade 10 classified state employee in effect when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The president of the senate and the speaker of the house must receive an additional \$5 a day in salary for those days during which the legislature is in session.

(b) Legislators are not entitled to a salary for the special session called by the governor beginning August 5, 2002. Legislators are entitled to any salary authorized for presession business conducted prior to August 5, 2002, as provided under 5-3-101. Legislators are entitled to a daily allowance authorized in subsection (3) and mileage authorized under subsections (5) and (6) in connection with the special session.

(2) Legislators may serve for no salary.

(3) Subject to subsection (4), legislators are entitled to a daily allowance, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments must stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

(4) After November 15, and prior to December 15 of each even-numbered year, the department of administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North

Dakota, South Dakota, Wyoming, and Idaho. The department shall include the average daily expense allowance for Montana legislators in determining the average daily rate for legislators. The department shall include only states with specific daily allowances in the calculation of the average. If the average daily rate is greater than the daily rate for legislators in Montana, legislators are entitled to a new daily rate for those days during which the legislature is in session. The new daily rate is the daily rate for the prior legislative session, increased by the percentage rate increase as determined by the survey, a cost of living increase to reflect inflation that is calculated pursuant to 15-6-134, or 5%, whichever is less. The expense allowance is effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-103.

(5) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

(6) In addition to the mileage allowance provided for in subsection (5), legislators, upon submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

(a) three additional round trips to their place of residence during each regular session; and

(b) additional round trips as authorized by the legislature during special session.

(7) Legislators are not entitled to any additional mileage allowance under subsection (5) for a special session if it is convened within 7 days of a regular session."

**NEW SECTION. Section 2. Voidness -- unanimous vote required.** If [this act] is not approved by a unanimous vote of the members of each house of the legislature, then [sections 1 and 4] are void.

**NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

**NEW SECTION. Section 4. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to August 5, 2002.

- END -